

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**SOVERAIN SOFTWARE LLC,**

**Plaintiff,**

**v.**

**NORDSTROM, INC.**

**Defendant.**

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**Civil Action No. 6:12cv148**

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Soverain Software LLC, by its undersigned attorneys, for its complaint against Defendant Nordstrom, Inc. (“Nordstrom”) hereby alleges the following:

**INTRODUCTION**

1. This is an action arising under the patent laws of the United States, Title 35 of the United States Code, for Nordstrom’s infringement of U.S. Patent Nos. 5,715,314 and 5,909,492 (collectively, the “patents-in-suit”).

2. Plaintiff Soverain Software LLC (“Soverain”) is a Delaware limited liability company organized and existing under the laws of Delaware, with its principal place of business at 233 South Wacker Driver, Suite 9425, Chicago, IL 60606.

3. Upon information and belief, Defendant Nordstrom, Inc. is a corporation organized and existing under the laws of the state of Washington, with its principal place of business at 1617 Sixth Avenue, Seattle, WA 98101.

**JURISDICTION AND VENUE**

4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and

1338(a).

5. This Court has personal jurisdiction over Nordstrom because it has committed acts of infringement in violation of 35 U.S.C. § 271 and have placed infringing products into the stream of commerce, through an established distribution channel, with the knowledge and/or understanding that such products are used in this District. These acts cause injury to Soverain within the District. On information and belief, Nordstrom derives substantial revenue from the infringing products used within the District, and/or expect or should reasonably expect their actions to have consequences within the District, and derive substantial revenue from interstate and international commerce.

6. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and 1400(b). Moreover, Plaintiff Soverain has previously asserted the patents-in-suit in this Division, during which this Court issued several orders and opinions, conducted claim construction proceedings, and presided over trial. *See Soverain Software LLC v. Amazon.com, Inc. and The Gap, Inc.*, Case No. 6:04-cv-014 (filed Jan. 12, 2004); *Soverain Software LLC v. CDW Corp., et al.*, Case No. 6:07-cv-511 (filed Nov. 23, 2007); *Soverain Software LLC v. J.C. Penney Corp., Inc. et al.*, Case No. 6:09-cv-274 (filed Jun. 25, 2009).

#### THE PATENTS-IN-SUIT

7. Plaintiff Soverain is the owner of all right, title, and interest in U.S. Patent No. 5,715,314 (the “’314 patent”) entitled “Network Sales System.” The ’314 patent was duly and properly issued by the United States Patent and Trademark Office on February 3, 1998 and assigned to Soverain. The PTO reexamined the ’314 patent and issued *Ex Parte* Reexamination Certificate No. 5,715,314 C1 on October 9, 2007. A copy of the ’314 patent is attached hereto as Exhibit A. A copy of the *Ex Parte* Reexamination Certificate 5,715,314 C1 is attached hereto as

Exhibit B.

8. Plaintiff Soverain is the owner of all right, title, and interest in U.S. Patent No. 5,909,492 (the “’492 patent”) entitled “Network Sales System.” The ’492 patent was duly and properly issued by the United States Patent and Trademark Office on June 1, 1999 and assigned to Soverain. The PTO reexamined the ’492 patent and issued *Ex Parte* Reexamination Certificate No. 5,909,492 C1 on August 7, 2007. A copy of the ’492 patent is attached hereto as Exhibit C. A copy of the *Ex Parte* Reexamination Certificate No. 5,909,492 C1 is attached hereto as Exhibit D.

9. Plaintiff Soverain has marked its product with the numbers of one or more of the patents in suit.

#### COUNT I: PATENT INFRINGEMENT

10. Upon information and belief, Nordstrom, through its use of systems and methods related to shopping for and purchasing items through websites including but not limited to [www.nordstrom.com](http://www.nordstrom.com), has infringed and continues to infringe, either literally or under the doctrine of equivalents, the ’314 and ’492 patents in violation of 35 U.S.C. §271 by: (a) making, using, offering for sale or selling within the United States, products or processes that practice inventions claimed in those patents; (b) inducing others to make, use, offer for sale or sell within the United States, products or processes that practice inventions claimed in those patents; or (c) contributing to the making, using, offering for sale or selling within the United States, products or processes that practice inventions claimed in those patents.

11. Plaintiff Soverain has been damaged by Nordstrom’s infringement and will continue to be damaged by such infringement.

12. Plaintiff Soverain has suffered and continues to suffer irreparable harm and will

continue to do so unless Nordstrom is enjoined therefrom by this Court.

JURY DEMAND

13. Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff Soverain respectfully requests a trial by jury on all issues.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Soverain requests entry of judgment in its favor and against Defendants as follows:

- A. Declaring that Defendant Nordstrom, Inc. has infringed U.S. Patent Nos. 5,715,314 and 5,909,492.
- B. Awarding the damages arising out of Defendant Nordstrom, Inc.'s infringement of U.S. Patent Nos. 5,715,314 and 5,909,492, including enhanced damages pursuant to 35 U.S.C. § 284, to Soverain, together with prejudgment and post-judgment interest, in an amount according to proof;
- C. Permanently enjoining Defendant Nordstrom, Inc. and its respective officers, agents, employees, and those acting in privity with them, from further infringement, including contributory infringement and/or inducing infringement, of U.S. Patent Nos. 5,715,314 and 5,909,492.
- D. Awarding attorneys' fees pursuant to 35 U.S.C. § 285 or as otherwise permitted by law; and
- E. Awarding such other costs and further relief as the Court may deem just and proper.

DATED: March 14, 2012

Respectfully submitted,

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